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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/492,454 | 01/27/2000 | Xiaowen Yang | YANG 1 | 9889 |

7590 11/24/2004

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EXAMINER

MOORTHY, ARAVIND K

| | |
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| ART UNIT | PAPER NUMBER |
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2131

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,454

Applicant(s)

YANG, XIAOWEN

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending in the application.
2. Claims 1-22 have been rejected.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/14/04 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bestler et al U.S. Patent No. 5,590,202.

As to claim 1, Bestler et al discloses a device to descramble a packetized digital data stream, comprising:

a receiver to receive a packet of a digital data stream, the packet including a header portion and a data payload, the data payload including a scrambled central portion and an unscrambled portion [column 2, lines 47-64]; and

a descrambler to descramble the scrambled central portion of the data payload of the packet [column 3, lines 1-19];

wherein the header portion is entirely unscrambled [column 2, lines 47-64].

As to claim 2, Bestler et al discloses that the scrambled central portion of the data payload is at a location within the payload portion of the packet such that the scrambled central portion is preceded and succeeded by the unscrambled portion [column 2, lines 47-64].

As to claim 4, Bestler et al discloses that the packet contains compressed digital data [column 2, lines 47-64].

As to claim 5, Bestler et al discloses that the compressed digital data includes a video signal [column 2, lines 47-64].

As to claim 6, Bestler et al discloses that the compressed digital data includes an audio signal [column 2, lines 47-64].

As to claim 7, Bestler et al discloses that the compressed digital data includes a video signal and an audio signal [column 2, lines 47-64].

As to claims 8 and 17, Bestler et al discloses a method of scrambling a packetized digital data stream, comprising:

producing a data packet stream comprising a plurality of data packets [column 2, lines 47-64]; and

scrambling a first central portion of a data payload of some of the plurality of data packets within the data packet stream and without scrambling a header of the some of the plurality of data packets while leaving remaining ones of the plurality of data packets unscrambled [column 2, lines 47-64].

As to claim 9, Bestler et al discloses that the scrambling leaves a second portion of the data payload of each of the some of the plurality of data packets unscrambled [column 4, lines 17-58].

5. Claims 10, 12-15 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Komuro et al U.S. Patent No. 6,223,285 B1.

As to claims 10 and 19, Komuro et al discloses a method of scrambling a packetized digital data stream, comprising:

producing a data packet stream comprising a plurality of data packets [column 6 line 61 to column 7 line 9]; and

scrambling only a central portion of every nth one of the plurality of data packets, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets unscrambled [column 6 line 61 to column 7 line 9].

As to claim 12, Komuro et al discloses compressed video data [column 7, lines 10-27].

As to claim 13, Komuro et al discloses compressed audio data [column 7, lines 10-27].

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As to claim 14, Komuro et al discloses compressed video data and compressed audio data [column 7, lines 10-27].

As to claims 15 and 21, Komuro et al discloses a method of descrambling a packetized digital data stream, comprising:

receiving a data packet stream comprising a plurality of data packets [column 5, lines 17-36]; and

descrambling only a central portion of every nth one of the plurality of data packets, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets as received [column 5, lines 37-57].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler et al U.S. Patent No. 5,590,202 as applied to claims 1 and 17 above, and further in view of Newton's Telecom Dictionary (hereinafter Newton).

As to claims 3 and 18, Bestler et al teaches that the digital data stream is an MPEG digital data stream [column 2, lines 47-64].

Bestler does not teach that the MPEG digital data stream is an MPEG-2 digital data stream.

Newton teaches the use of MPEG-2 digital data streams and its benefits [pages 489-490].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bestler et al so that the MPEG digital data stream would have been an MPEG-2 digital data stream.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bestler et al by the teaching of Newton because MPEG-2 is more efficient. MPEG-2 can incorporate a range of compression ratios, which trade of economies of storage and transmission bandwidth against picture quality [page 489].

7. Claims 11, 16, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komuro et al U.S. Patent No. 6,223,285 B1 as applied to claims 10, 15, 19 and 21 above, and further in view of Newton's Telecom Dictionary (hereinafter Newton).

As to claims 11 and 20, Komuro et al teaches that the data packet stream is an MPEG digital data stream [column 7, lines 10-27].

Komuro et al does not teach that the data packet stream is an MPEG-2 digital data stream.

Newton teaches the use of MPEG-2 digital data streams and its benefits [pages 489-490].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bestler et al so that the MPEG digital data stream would have been an MPEG-2 digital data stream.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bestler et al by the teaching of Newton because MPEG-2 is more efficient. MPEG-2 can incorporate a range of compression ratios, which trade of economies of storage and transmission bandwidth against picture quality [page 489].

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
November 15, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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